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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: CARROLL

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Serial No.: 09/883,703

MAY 07 2004

Filed: June 18, 2001

Technology Center 2600

For: APPARATUS AND SYSTEM FOR IDENTIFYING . . .

Group: 2632

Examiner: TAI T. NGUYEN

DOCKET: SCP 00.01

MAIL STOP - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT D UNDER RULE 116, AND NOTICE OF APPEAL
(Remarks Only)

Dear Sir:

This Amendment is being filed in response to the Final Action mailed March 24, 2004.

A Notice of Appeal accompanies this Amendment.

The rejection of claims 1-4, 5, 8-14, 16 and 19-21 as obvious over Radomsky et al. (U.S. Patent No. 6,211,790) in view of Wolk et al. (U.S. Patent No. 4,853,692) and Vercellotti et al. (U.S. Patent No. 5,317,309) is improper because the combination Radomsky et al., Wolk et al. and Vercellotti et al. does not teach every element of independent claims 1 and 11.

Claims 1 and 11 require "each said transmitter being configured to transmit only a single unique signal." None of the cited references teaches this element. In the rejection, the Examiner acknowledges that the primary reference Radomsky et al. does not teach this. However, the Examiner takes the position that this missing teaching is found in Wolk et al. Wolk et al. clearly

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teaches using “[a]t least two unique coded signals.” column 1, lines 60-61. Indeed, the Examiner explicitly admits this fact, stating “Wolk et al. discloses the RF signal generating device having first and second distinct code representing a tamper signal (a) and a maintenance signal (m).”

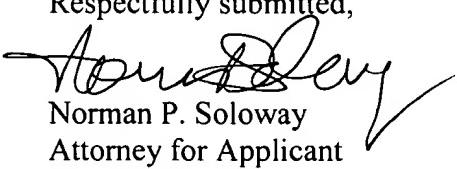
Detailed Action, cipher 3. Thus, Wolk et al. uses at least two distinct signals (a) and (m) to communicate between the transmitter and receiver, and the rejection is in error. Accordingly, no combination of the applied art would achieve or render obvious claim 1 or claim 11, or any of the claims dependent thereon.

The foregoing Amendment makes no claim changes, and thus should be entered as a matter of right.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

A credit card payment Form PTO-2038 authorizing a charge in the amount of \$330.00 for filing the Notice of Appeal accompanies this Amendment. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,


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